Little Lake Rehabilitation Project

Initial Study with a Mitigated Negative Declaration

**Rehabilitation of pavement on U.S. Highway 395,
including curve realignment and shoulder widening,
from the Kern County line to approximately
13.8 kilometers (8.6 miles) north in Inyo County**

9-INY-395-KP 0.0 to KP 13.8

(PM 0.0/8.6)

09-295500

April 2004

Caltrans

Caltrans Metric

General Information About This Document

What's in this document?

The Department of Transportation has prepared this Initial Study with a Mitigated Negative Declaration, which examines the potential environmental impacts of alternatives for the proposed project located in Inyo County, California. The document describes why the project is being proposed, alternatives for the project, the existing environment that could be affected by the project, the potential impacts from each of the alternatives, and the proposed avoidance, minimization and/or mitigation measures.

The document describes why the project is being proposed, alternative methods for constructing the project, the existing environment that could be affected by the project and potential impacts from each of the alternatives.

A preliminary Initial Study, dated February 2004, was circulated to the public from February 23, 2004 to April 8, 2004. No comments were received on the document during the circulation period. The confirmation letter from the State Clearinghouse is listed in Appendix I of this document. A vertical line in the outside margin of the text indicates changes made to the document since the draft document was circulated. This information supercedes and/or clarifies information contained in the Initial Study dated February 2004. The build Alternative has been selected as the preferred alternative because it brings the roadway up to current standards and meets the purpose and need of the project.

For individuals with sensory disabilities, this document is available in Braille, large print, on audiocassette or computer disk. To obtain a copy in one of these alternate formats, please call or write to Caltrans, Attn: Mike Donahue, Southern Sierra Branch, 2015 E. Shields Ave #100, Fresno, CA 93726; phone; (559) 243 8157 Voice, or use the California Relay Service TTY number, 1(800) 735-2929.

Rehabilitation of existing pavement on U.S. Highway 395, including curve realignment and shoulder widening, from the Kern County line to approximately 13.8 kilometers (8.6 miles) north in Inyo County

INITIAL STUDY

Submitted Pursuant to: (State) Division 13, Public Resources Code

THE STATE OF CALIFORNIA
Department of Transportation

2/6/04
Date of Approval

Mike Donahue
Mike Donahue
Branch Chief,
Southern Sierra Environmental Analysis Branch
Central Region, Environmental Planning
California Department of Transportation

Negative Declaration

Pursuant to: Division 13, Public Resources Code

Project Description

The California Department of Transportation (Caltrans) and the Federal Highway Administration (FHWA) propose to rehabilitate and bring to current standards U.S. Highway 395 near Little Lake from the Kern County line to approximately 13.8 kilometers (8.6 miles) north in Inyo County. The work would include realigning a curve from kilometer posts 7.9 to 8.2 (post miles 4.9 to 5.1), widening shoulders to current standards, placing a 90-millimeter (3.5- inch) asphalt concrete overlay, adding shoulder backing, and modifying the existing drainage systems. In addition, the metal beam guardrail would be reconstructed along northbound kilometer posts 9.7 to 9.8 (post miles 6.00 to 6.07). The existing metal beam guardrail at Five-Mile Canyon Bridge, from northbound kilometer posts 8.14 to 8.2 (post miles 5.06 to 5.09) and southbound kilometer posts 8.76 to 8.79 (post miles 5.44 to 5.46) would be extended.

Determination

Caltrans has prepared an Initial Study, and determines from this study that the proposed project would not have a significant effect on the environment for the following reasons:

- Impacts to endangered or threatened animals and plant species habitat would be mitigated at a 1:1 ratio.
- Cultural resources would be protected during construction by establishing Environmentally Sensitive Areas.
- No impacts are expected to air quality, water resources or paleontological resources. No hazardous waste locations are known to exist.

Mike Donahue

4/12/04

Mike Donahue
Branch Chief, Southern Sierra Environmental Branch
Central Region Environmental Planning
California Department of Transportation

Date

Summary

Purpose and Need. The proposed project would rehabilitate the roadway surface of U.S. Highway 395 near Little Lake from the Kern County line to approximately 13.8 kilometers (8.6 miles) north in Inyo County and bring the road up to current standards by widening shoulders and correcting a non-standard curve.

Alternatives. The Build Alternative would realign a curve from kilometer posts 7.9 to 8.2 (post miles 4.9 to 5.1), widen shoulders to current standards, place a 90-millimeter (3.5-inch) asphalt concrete overlay on the roadbed, add shoulder backing, and change the existing drainage systems. In addition, the metal beam guardrail would be reconstructed to current standards, from northbound kilometer posts 9.7 to 9.8 (post miles 6.00 to 6.07). The existing metal beam guardrail at Five-Mile Canyon Bridge, from northbound kilometer posts 8.14 to 8.2 (post miles 5.06 to 5.09) and southbound kilometer posts 8.76 to 8.79 (post miles 5.44 to 5.46), would be reconstructed to current standards and extended.

The No-Build Alternative would leave the roadway as it is, with narrow shoulders, a rough pavement, poor drainage, and a curve that needs realigning. The No-Build Alternative does not meet the project purpose and need to rehabilitate the roadway surface and bring the facility up to current standards.

Environmental Consequences and Mitigation. As described in the following sections, construction of this project would have minor impacts on habitat for sensitive species, and cultural resources would be protected during construction activities.

Biology. Minor direct or indirect impacts are expected to occur to habitat of the Mohave ground squirrel (State Threatened, Federally listed Species of Concern) and the desert tortoise (State and Federally Listed as Threatened) and the Le Conte's thrasher (California Species of Concern). Because the desert tortoise and Mohave ground squirrel occupy similar habitat, land purchased for the Mohave ground squirrel would also mitigate for project impacts to desert tortoise habitat. Caltrans is proposing to mitigate permanent project impacts at a 1:1 ratio, meaning that for every loss of acreage used for the project, the same amount of acreage would be purchased for habitat replacement. Separate mitigation for the Le Conte's thrasher is not planned because that habitat is similar to the habitat for the desert tortoise and Mohave ground squirrel. This project would affect approximately 0.11 hectare (0.26 acre) of

sagebrush habitat, so Caltrans would mitigate by purchasing 0.11 hectare (0.26 acre) of habitat in a location approved by California Department of Fish and Game.

Special provisions for migratory birds and the desert tortoise would be included in the Contract Special Provisions (see Appendix D in this document).

Cultural. Caltrans conducted a cultural resource survey of the project area and identified eight archaeological sites, three historic linear sites, and two bridges in the study area. Of those resources identified, five archaeological sites, three linear sites, and two bridges are located within the area of potential effects for the proposed project.

Three prehistoric sites are located within the area of potential effects, but lie outside the area of direct impact. In addition, one archaeological site is located within the area of potential effects, but the portion of the site within the area of direct impact has been determined to be a non-contributing element to the site's placement on the National Register of Historic Places, if evaluated as a whole. For this project, Caltrans considers these four sites as eligible properties; consequently, the project was designed to avoid any adverse effects to these potential historic properties pursuant to 36 Code of Federal Regulations 800.5(b) and per consultation with the State Historic Preservation Officer.

Caltrans determined a finding of "No Adverse Effect" for one site and a finding of a conditional "No Adverse Effect" for three sites by prescribing the designation of "environmentally sensitive area" to the affected areas. A portion of these sites or the entire site lies within the Caltrans right-of-way, but outside of the project area of direct impact, and would be protected as an environmentally sensitive area. Establishing an environmentally sensitive area is the only mitigation measure for these sites.

The State Historic Preservation Officer agreed with this mitigation measure in a letter dated January 21, 2004 (see Appendix G).

Waterways and Hydraulic Systems. The proposed project crosses the bed of Five-Mile Canyon wash. The Statewide National Pollutant Discharge Elimination System (NPDES) construction permit, California Department of Fish and Game's 1601 permit, and Caltrans' standard specifications would provide sufficient controls to prevent any short-term impacts during construction. According to U.S. Army Corps of Engineers determination, no wetlands occur in the project limits.

Coordination. During the course of the environmental studies for the proposed project, Caltrans consulted with the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, California Department of Fish and Game, Bureau of Land Management, Native American Heritage Commission, and the Lone Pine Shoshone Pauite Tribe. During the public comment period an opportunity for a public hearing was given to the public but no request was made.

Permits: A California Department of Fish and Game Section 1601 streambed alteration agreement would be required, along with Nationwide 404 permits, #14 and #33, from the U.S. Army Corps of Engineers. The California Regional Water Quality Control Board would have jurisdiction over construction activities adjacent to waterways under the Clean Water Act, Section 401. The California Department of Fish and Game would be contacted for a Section 2080.1 and 20.80.1 (b) permit before construction.

Table of Contents

Cover Sheet i
Negative Declaration ..... **Error! Bookmark not defined.**
Summary v
Table of Contents ix
List of Figures xi
List of Tables xii
List of Abbreviated Terms xiii
Chapter 1 Purpose and Need 1
1.1 Project Purpose 1
1.2 Project Need 1
1.2.1 Traffic Data 1
1.2.2 Safety Issues 2
1.3 Project Background 3
1.4 Project Description 4
Chapter 2 Alternatives 13
2.1 Project Alternatives 13
2.1.1 No-Build Alternative 13
2.1.2 Build Alternative 13
Chapter 3 Affected Environment, Environmental Consequences, and Mitigation 15
3.1 Air Quality 15
3.1.1 Affected Environment 15
3.1.2 Impacts 15
3.1.3 Mitigation 17
3.2 Threatened and Endangered Species 17
3.2.1 Affected Environment 18
3.2.2 Impacts 19
3.2.3 Mitigation 20
3.3 Social and Economic 21
3.4 Historic and Archaeological Preservation 21
3.4.1 Affected Environment 22
3.4.2 Impacts 22
3.4.3 Mitigation 24
3.5 Hazardous Waste 26
3.5.1 Affected Environment 26
3.5.2 Impacts 26
3.5.3 Mitigation 26
3.6 Land Use 26
3.6.1 Affected Environment 26
3.6.2 Impacts 27
3.6.3 Mitigation 27
3.7 Water 27
3.7.1 Affected Environment 27
3.7.2 Impacts 28
3.7.3 Mitigation 28
3.8 Floodplain 28
3.8.1 Affected Environment 28
3.8.2 Impacts 28

3.9 Paleontology 28
3.10 Construction 29
Chapter 4 Cumulative Impacts 31
Chapter 5 List of Preparers 33
Chapter 6 References 35
Appendix A Environmental Checklist 37
Appendix B Coordination and Consultation 47
Appendix C Title VI Policy Statement 49
Appendix D Special Provisions 51
Appendix E Floodplain Evaluation Summary Report 57
Appendix F Location Hydraulics Study 59
Appendix G SHPO Concurrence Letter 61
Appendix H U.S. Fish and Wildlife Service, Species List 63
Appendix I Comments and Responses on the Initial Study 65

List of Figures

Figure 1-1 Project Vicinity Map 5
Figure 1-2 Project Location Map 7
Figure 1-3 Cross-Section at SB KP 8.20 (PM 5.09), Curve Correction 9
Figure 1-4 Northbound Cross-Section 9
Figure 1-5 Southbound Cross-Section KP 0.0/8.7 (PM 0.0/5.4) and KP 11.9/13.8 (PM 7.4/8.6) 10
Figure 1-6 Southbound Cross-Section KP 8.7/11.9 (PM 5.4/7.4) 10
Figure 1-7 Curve Correction 11

List of Tables

Table 1-1 Traffic Data 2
Table 1-2 Accident Rates 3
Table 2-1 Project Costs (2005/2006) 14
Table 3-1 Special Status Species 18
Table 3-2 Acres Affected 20

List of Abbreviated Terms

Caltrans	California Department of Transportation
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
ha	Hectare
km	kilometer(s)
km/h	kilometers per hour
KP	Kilometer Post
LADWP	City of Los Angeles, Department of Water and Power
Lahontan RWQCB	Lahontan Regional Water Quality Control Board
mm	millimeter(s)
mph	mile(s) per hour
NEPA	National Environmental Policy Act
NES	Natural Environmental Study
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
PM	Post Mile
PPM	Parts Per Million
SHPO	State Historic Preservation Officer

Chapter 1 Purpose and Need

1.1 Project Purpose

The Little Lake Rehabilitation project encompasses a portion of U.S. Highway 395 located just south of Little Lake starting at the Kern/Inyo County line. The project stretches north for 13.8 kilometers (8.6 miles) into Inyo County (see Figure 1-1 and Figure 1-2).

The proposed project would rehabilitate this stretch of U.S. Highway 395 and upgrade it to current design standards. The work would realign a curve from kilometer posts 7.9 to 8.2 (post miles 4.9 to 5.1), widen shoulders to current standards, place a 90-millimeter (3.5-inch) asphalt concrete overlay on the roadbed, add shoulder backing, and change the existing drainage systems. In addition, from northbound kilometer posts 9.7 to 9.8 (post miles 6.00 to 6.07), the metal beam guardrail would be reconstructed to current standards. The existing metal beam guardrail at Five-Mile Canyon Bridge, from northbound kilometer posts 8.14 to 8.2 (post miles 5.06 to 5.09) and southbound kilometer posts 8.76 to 8.79 (post miles 5.44 to 5.46), would be reconstructed to current standards and extended.

1.2 Project Need

The need for road rehabilitation for this stretch of highway was triggered by the results of pavement condition surveys conducted between 1998 and 2002. These surveys reported severe surface cracks along this route. The cracks were caused by excessive “loading” on the pavement (from the high traffic volume) and hot and cold underground stresses.

Shoulders would be widened to current standards to give stranded vehicles the opportunity to stay off the travel -lane and to create more room to maneuver, and alert inattentive drivers in time to correct steering.

1.2.1 Traffic Data

Table 1-1 shows the traffic breakdown for this stretch of U.S. Highway 395. The current annual average daily traffic count is 5,400 vehicles per day, with the peak month being almost 50% higher (7,900 vehicles per day). The traffic count grew 1% in 2000.

Table 1-1 Traffic Data

Traffic Category	2000	2017	2027
Annual Average Daily Traffic Count (number of vehicles)	5,400	6,870	7,590
Peak Hour Count (number of vehicles)	840	-	-
Peak Month Count (number of vehicles)	7,900	12,430	13,730
Percentage that is Truck Traffic	12%	-	-
Growth per Year	1%	-	-

Data Year: 2000

10- and 20-year dates span from the year of construction

1.2.2 Safety Issues

Accident data along U.S. Highway 395 were obtained from the Traffic Accident and Survey Analysis System, which showed 19 accidents on this portion of U.S. Highway 395 during the most recent five-year period ending June 30, 2002. The actual and expected accident rates and the number of accidents are shown in Table 1-2. The data indicate that on this highway section accident rates are much lower than would be typically expected from a similar type of highway. The number of accidents during the five-year period resulted in a total accident rate (0.22) below the statewide average rate (0.59). Of the total number of accidents (19), 11 occurred in the northbound direction and eight in the southbound direction on this divided highway.

The analysis revealed that 89% of accidents (17) were solo vehicle accidents and 16% (3) occurred during darkness. No fatal accidents occurred, but seven people were injured in five injury accidents with a total Fatal + Injury rate (0.06) below the statewide average rate (0.15). There does not appear to be any concentrated accident location within the project limits. The accident types were as follows: 9 (47%) overturn collisions, 6 (32%) hit object, 2 (11%) vehicle fires and 2 (11%) rear-end collisions.

Table 1-2 Accident Rates

(Expressed in million vehicle miles traveled)

U.S. Highway 395 (Accidents in Project Area)	Actual			Statewide Average		
	Fatal	Fatal & Injury	Total*	Fatal	Fatal & Injury	Total*
Percentage	0.0	0.06	0.22	0.015	0.26	0.59
Number of Accidents	0	5	19	-	-	-

* *Total includes property damage only accidents*

The project would improve road safety in the project limits by installing wider shoulders with rumble strips to alert inattentive drivers that they are leaving the road. This should potentially help decrease single vehicle run-off-the-road accidents, create more room to maneuver, and alert inattentive drivers in time to correct steering. In addition, existing guardrails would be upgraded to present standards.

1.3 Project Background

U.S. Highway 395 is a high emphasis route in the Interregional Road System. It is a major element of a transportation corridor connecting Southern California to the eastern portion of the Sierra (Inyo and Mono counties) and to western-central Nevada. This corridor has been identified in previous California planning studies as one of five major recreational corridors serving all of Southern California and one of 11 major regional transportation corridors in California.

The transportation corridor serves several purposes. First, the highway corridor is vital for the economy of the eastern Sierra for the shipment of goods and materials. The region imports virtually all of its food, clothing and other goods. Second, this corridor serves more than 7 million visitor-days of recreation generated annually in the eastern high Sierra. Third, in addition to being an Interregional Road System high emphasis route, U.S. Highway 395 has been designated a “larger truck” route by the Federal Surface Transportation Assistance Act, and the highway is part of the Subsystem of Highways for the Movement of Extra Legal Permit Loads.

Within the project limits, U.S. Highway 395 is a four-lane divided rural road with a median varying in width from approximately 6.6 to 346 meters (20 to 1,135 feet). The

road crosses generally level terrain. The speed limit along the route is 105 kilometers per hour (65 miles per hour).

There is little development along the proposed project limits. Most of the land is owned by the Bureau of Land Management.

1.4 Project Description

The project proposes to rehabilitate approximately 13.8 kilometers (8.6 miles) of existing U.S. Highway 395 from the Kern/Inyo County line to Little Lake in Inyo County to the north. The limits of the project run from kilometer posts 0.0 to 13.8 (post miles 0.0 to 8.6) in Inyo County.

Within the project limits, U.S. Highway 395 is a four-lane divided highway with right-of-way widths varying from 73 meters (240 feet) to 474 meters (1,555 feet). The existing highway has 3.6-meter-wide (12-foot-wide) lanes and 1.5-meter-wide (5-foot-wide) paved shoulders on the left and 3.0-meter-wide (10-foot-wide) paved shoulders on the right.

The project would rehabilitate the existing pavement: place a 90-millimeter (3.5-inch) asphalt concrete overlay on the roadbed, widen shoulders to current standards, add shoulder backing, improve drainage, and reconstruct metal beam guardrails. See Figures 1-4, 1-5 and 1-6 for cross-sections showing existing conditions and improvements.

Between southbound kilometer post 8.7 (post mile 5.4) to southbound kilometer post 11.9 (post mile 7.4), the inside median shoulders would be widened from 1.2 meters to 1.5 meters (from 4 feet to 5 feet), the current design standard. Elsewhere, the inside and outside shoulders meet current design standards at 1.5 (5 feet) and 3 meters (10 feet), respectively. No more than one meter (3 feet) of shoulder backing (dirt area between shoulder and natural ground) would be placed beyond the inside and outside shoulders along the entire alignment. The horizontal area of direct impact for shoulder work would be no more than 4 meters (13 feet), including the area needed for equipment operation and temporary storage.

In addition, a curve from kilometer posts 7.9 to 8.2 (post miles 4.9 to 5.1) with a current radius of 502 meters (1,647 feet) does not meet current design standards. The standard radius for a design speed of 110 kilometers per hour (70 miles per hour) is 600 meters (1,968.5 feet). Caltrans proposes to realign this curve and bring it up to current standards (see Figure 1-3 for cross-section and Figure 1-7).

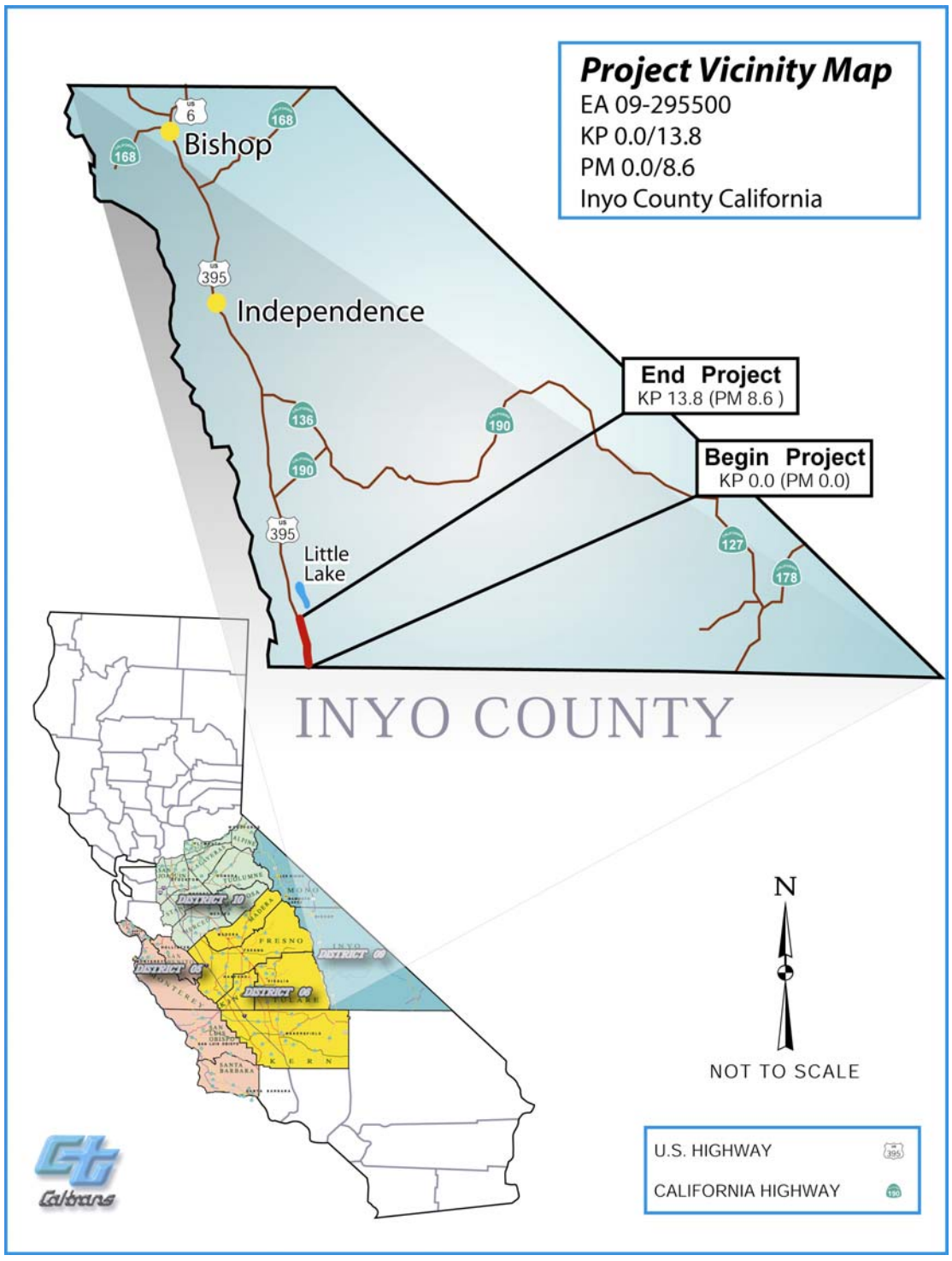

Figure 1-1 Project Vicinity Map

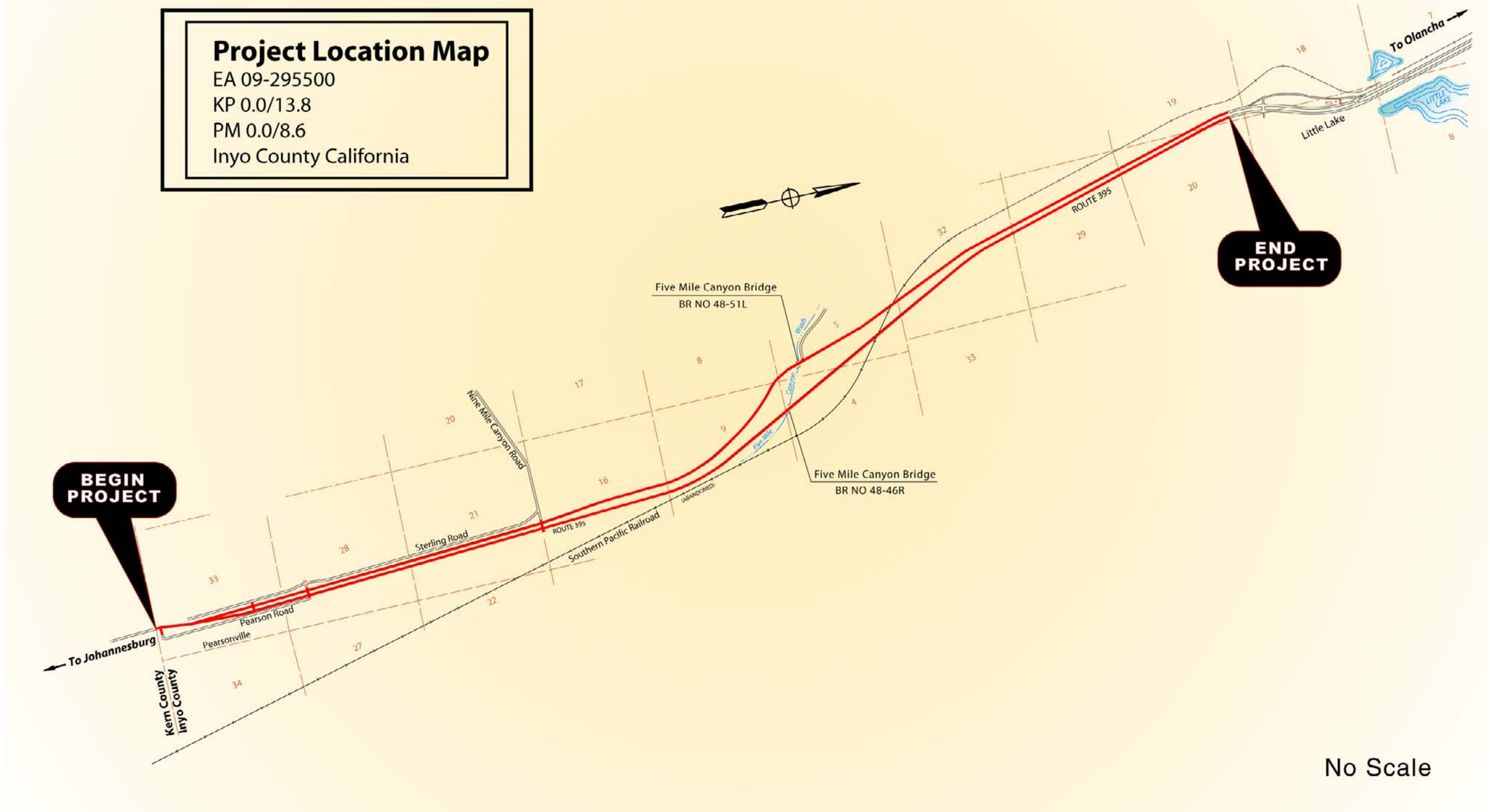

Figure 1-2 Project Location Map

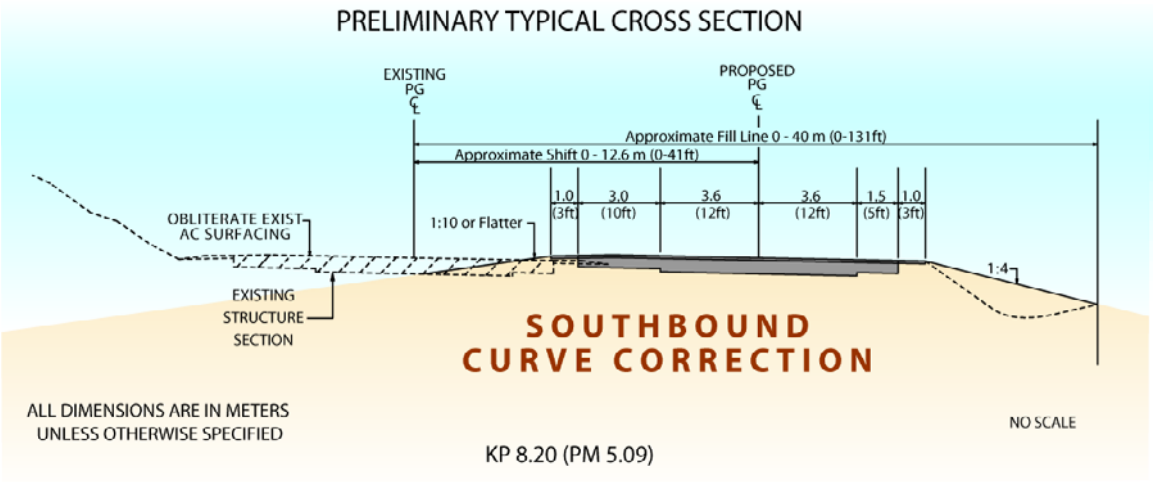

Figure 1-3 Cross-Section at SB KP 8.20 (PM 5.09), Curve Correction

From northbound kilometer posts 9.7 to 9.8 (post miles 6.00 to 6.07), the metal beam guardrail would be reconstructed to current standard. The existing metal beam guardrail at Five-Mile Canyon Bridge, northbound kilometer posts 8.14 to 8.2 (post miles 5.06 to 5.09) and southbound kilometer posts 8.76 to 8.79 (post miles 5.44 to 5.46), would be reconstructed to current standards and extended.

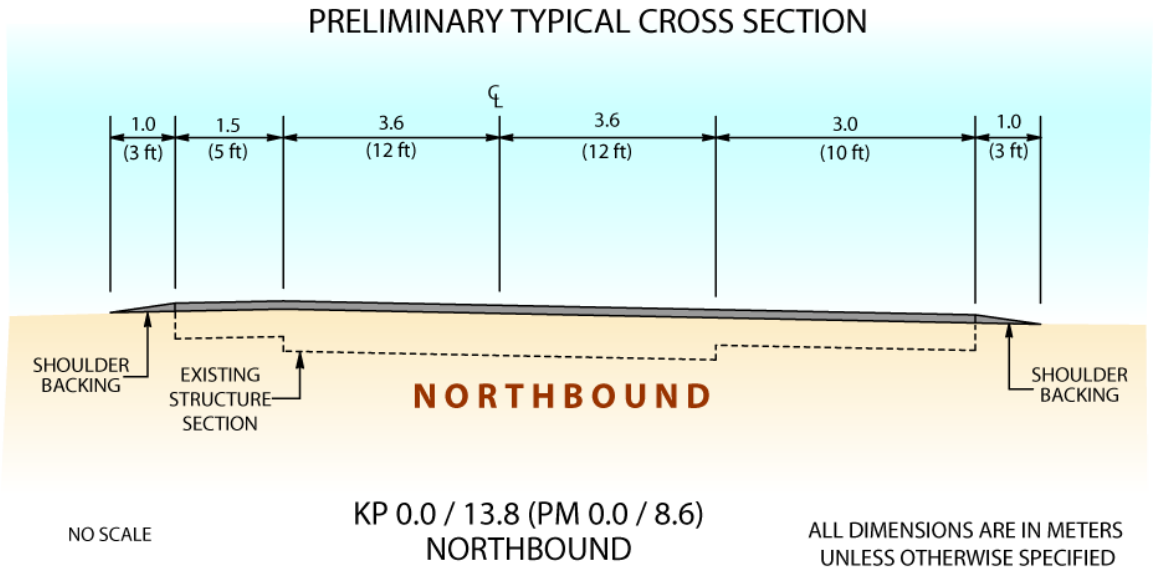

Figure 1-4 Northbound Cross-Section

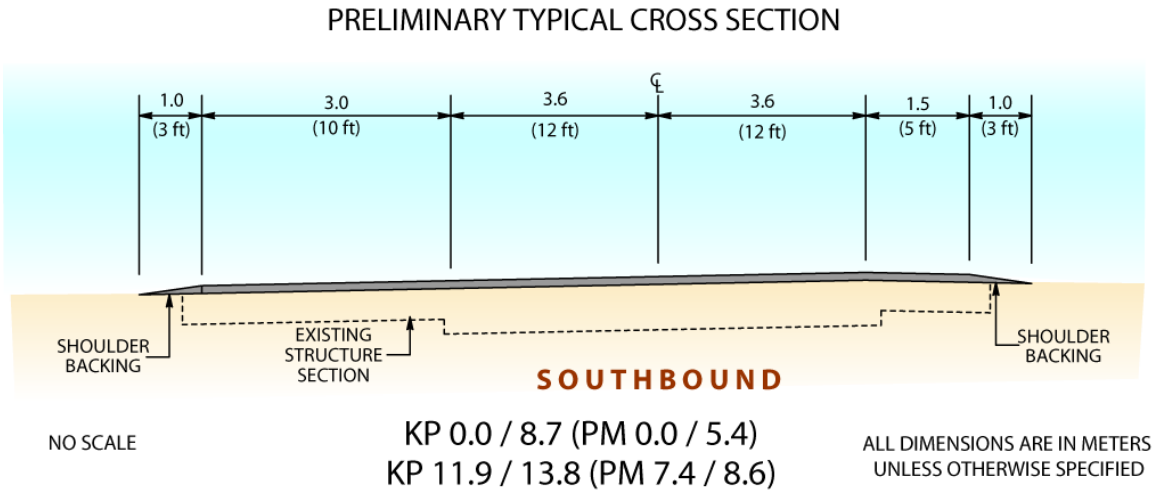

Figure 1-5 Southbound Cross-Section KP 0.0/8.7 (PM 0.0/5.4) and KP 11.9/13.8 (PM 7.4/8.6)

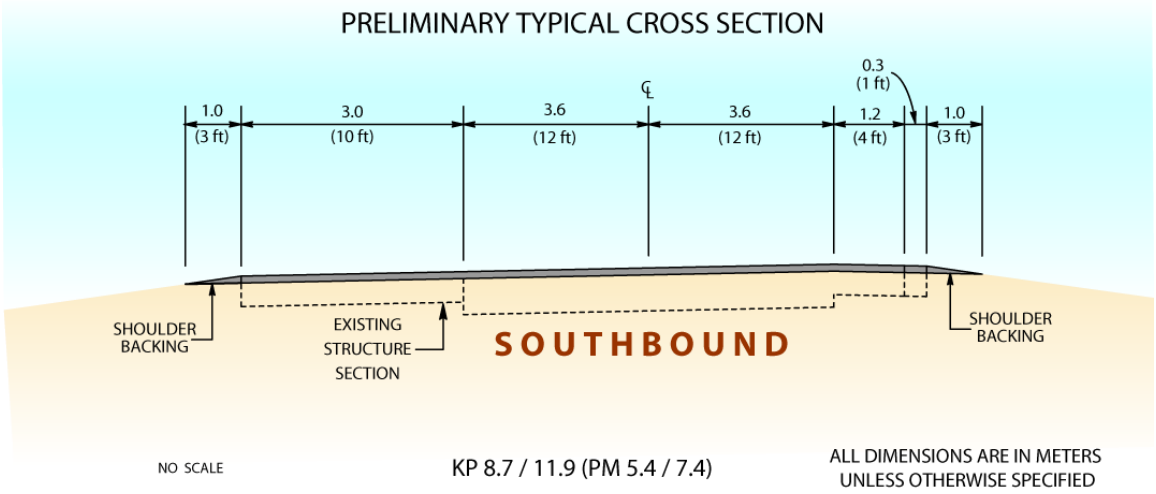

Figure 1-6 Southbound Cross-Section KP 8.7/11.9 (PM 5.4/7.4)

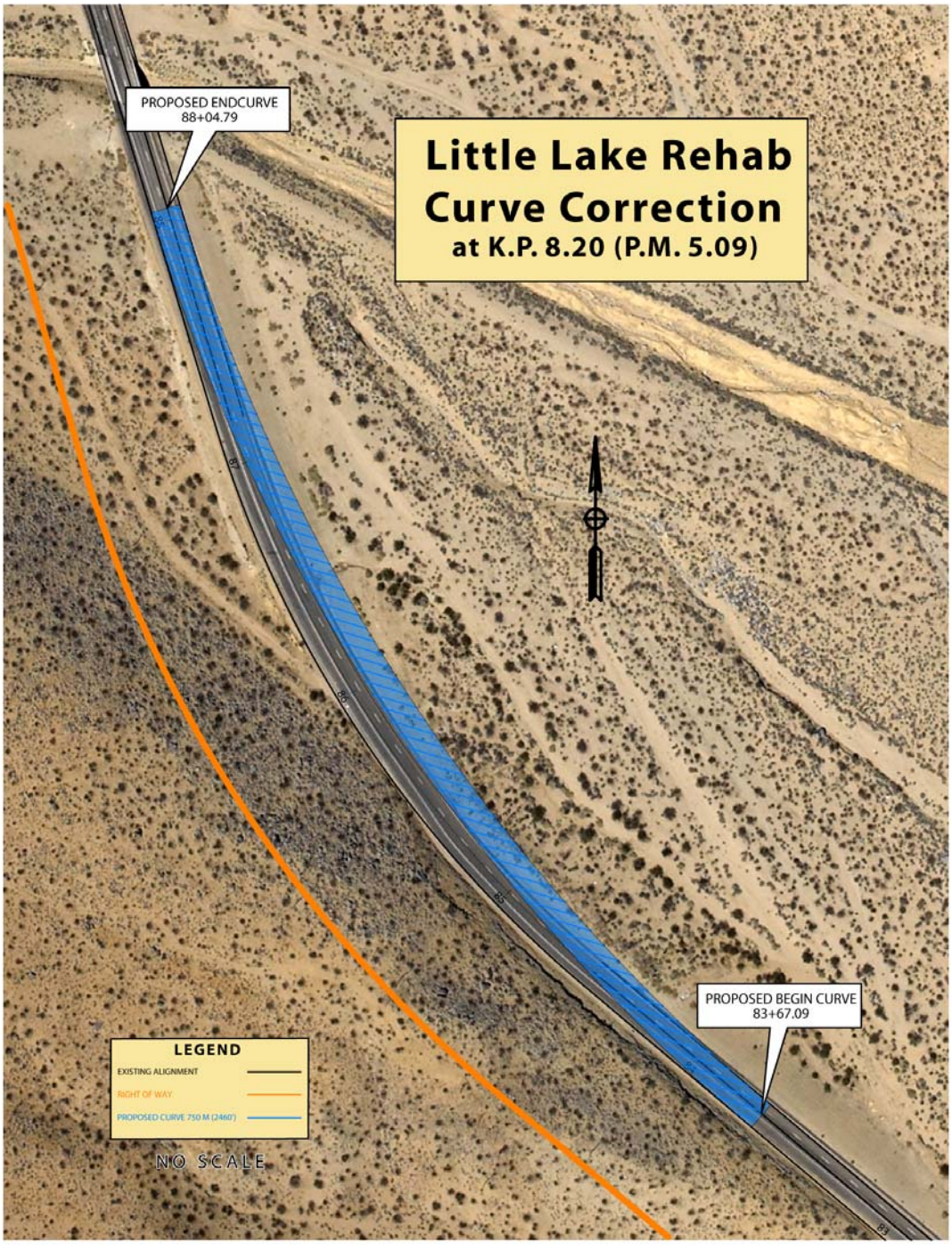

Figure 1-7 Curve Correction

Chapter 2 Alternatives

2.1 Project Alternatives

Final selection of an alternative will not be made until after the full evaluation of environmental impacts, full consideration of publkic comments and approval of the final environmental document. The build-Alternative has been selected as the preferred alternative because it would meet the purpose and need.

2.1.1 No-Build Alternative

The No-Build Alternative would leave the road as it is, with cracked surfaces, narrow shoulders, drainage problems and outdated guardrails. A curve needing realignment would stay as it is. The No-Build Alternative would not address the need for rehabilitating the road surface or bringing the road up to current design standards. The road surface would continue to deteriorate over time.

2.1.2 Build Alternative

Caltrans and the Federal Highway Administration propose to rehabilitate and bring to current standards U.S. Highway 395 near Little Lake from the Kern County line to approximately 13.8 kilometers (8.6 miles) north in Inyo County. The project would realign a curve at kilometer posts 7.9 to 8.2 (post miles 4.9 to 5.1), widen shoulders to current standards, place a 90-millimeter (3.5-inch) asphalt concrete overlay on the roadbed, add shoulder backing and change the existing drainage systems.

In addition, from northbound kilometer posts 9.7 to 9.8 (post miles 6.00 to 6.07), the metal beam guardrail would be reconstructed to current standards. The existing metal beam guardrail at Five-Mile Canyon Bridge, from northbound kilometer posts 8.14 to 8.2 (post miles 5.06 to 5.09) and southbound kilometer posts 8.76 to 8.79 (post miles 5.44 to 5.46), would be reconstructed to current standard and extended. Between southbound kilometer post 8.7 (post mile 5.4) to southbound kilometer post 11.9 (post mile 7.4), the inside median shoulders would be widened from 1.2 meters to 1.5 meters (4 feet to 5 feet), the current design standard. Elsewhere, the inside and outside shoulders meet current design standards at 1.5 meter (5 feet) and 3 meters (10 feet), respectively. No more than 1 meter (3 feet) of shoulder backing would be placed beyond the inside and outside shoulders along the entire alignment. The horizontal area of direct impact for shoulder work would be no more than 4 meters (13 feet), including the area needed for equipment operation and temporary storage.

The construction cost for this project is estimated to be $9,827,000 (escalated for the 2005/2006 fiscal year). See Table 2-1.

Table 2-1 Project Costs (2005/2006)

Build Alternative	
Construction Costs, Capital	$9,827,000.00
Right-of-Way, Capital	$3,000
Total Capital	$9,830,000

Chapter 3 Affected Environment, Environmental Consequences, and Mitigation

This chapter describes the existing environmental setting for the project study area. The "project study area" encompasses the geographic limits of the proposed project's potential direct and indirect effects.

3.1 Air Quality

3.1.1 Affected Environment

Data obtained from the Great Basin Unified Air Pollution Control District, which has jurisdiction over the project area, indicate the overall air quality in the region is very good. Owens Valley is a non-attainment area for particulate matter under 10 micrometers in diameter (PM_{10}). This means that PM_{10} is the only pollutant that exceeds federal and state air quality standards within Owens Valley. The primary source of PM_{10} is dust from areas along the Owens River and/or from Owens Lake (dry) during wind periods that exceed 16 kilometers per hour (10 miles per hour). Particulate matter from wood stove smoke can also contribute to the problem during winter months. The Great Basin Air Pollution Control District has determined the area's transportation system is not a major contributor to the PM_{10} level.

3.1.2 Impacts

With the exception of PM_{10}, the area within Inyo County fully conforms with both state and federal air quality standards. The Great Basin Air Pollution Control District has prepared a plan to control the PM_{10} issues. Inyo County's Regional Transportation Plan, accompanied by an approved Environmental Impact Report, lists the Little Lake project as meeting all regional air quality standards. The Little Lake project is included in the 2002 Federal State Transportation Improvement Program for Inyo County.

Short-term, microscale impacts resulting from construction-related activities are possible. PM_{10} is the current basis for the state and federal standards for particulates and is based on health considerations. Fugitive dust is generally PM_{10} or greater in

size and is not generally considered a health hazard. Visibility and traffic safety from blowing fugitive dust is the primary concern, although fugitive dust from construction related activities can cause elevated PM_{10} levels and may pose air quality problems, including soiling of buildings and adverse health impacts to sensitive individuals.

Enforcement of Caltrans' Standard Specifications (see Section 10 of the Standard Specifications titled "Dust Control" as well as Section 7, part 7-1.01F titled "Legal Responsibilities: Air Pollution Control") and Great Basin Air Pollution Control District's prohibitory rules that apply to activities mentioned in the project description (specifically rule 400–Opacity, rule 401-Fugitive Dust, and rule-402 Nuisance (Ref: http://www.arb.ca.gov/drdb/gbu/cur.htm)) would minimize these concerns. In addition, replanting all disturbed soil areas along this project would minimize the potential for long-term highway contributions to the already degraded regional levels of PM_{10}. With carbon monoxide (CO) increases estimated to be minimal and project-related PM_{10} increases being controllable, there would not be any major air quality impacts for the proposed project.

Qualitative consideration was given to the proposed project's effect on existing and new PM_{10} violations at the microscale level. Given the build alternatives' characteristics and location, as well as regional efforts and plans to attain the PM_{10} standard, it is determined that the project and transportation in general does not contribute to any existing PM_{10} violation or create a new PM_{10} violation. As the widening of the existing roadway would not alter the type or number of vehicles on the road, no changes to the levels of pollutants emanating from the highway are anticipated.

Caltrans microscale screening procedures for carbon monoxide were used for this project. The screening process indicated that, for the 20-year life expectancy of the roadway, there is less than a 1-part-per-million increase in either the one-hour or eight-hour carbon monoxide concentrations (measured to the point of the right-of-way lines). With background levels estimated at 4 parts per million or less, carbon monoxide concentrations are well below state and federal standards. It has been shown that the small, less than 1-part-per-million increase, is caused by "normal" traffic growth and is not directly related to the roadway improvement itself. These results indicate that a full air study is not required for this project.

Therefore, there would be no long-term impact to air quality.

3.1.3 Mitigation

Construction would generate temporary delays and dust. Dust would be controlled by standard construction practices, such as spraying disturbed areas with water, restricting work on windy days, and using erosion control measures after construction.

This project is also subject to Unified Air District regulations to control dust emissions from human activities. The specific rule that applies to the project is Rule 401 Fugitive Dust. Rule provisions require that: disturbed areas that are not actively used for seven days be stabilized to limit visible dust emissions; ground-disturbing activities be undertaken with appropriate dust control measures during disturbance; visible dust emissions from onsite unpaved roads and offsite unpaved access roads be effectively limited; and accumulated mud or dirt be removed from public paved roads, including shoulders adjacent to construction. Short-term increases to particulate matter, Fugitive Dust, can be controlled with Caltrans Standard Specifications, Section 17 and 18.

3.2 Threatened and Endangered Species

Caltrans conducted biological field reviews of the proposed project area in March and April 2000 and November and December 2001. In addition to these field surveys, a literature review and records search for sensitive resources within the vicinity of the project study area was completed in 2002. The literature review included public documents and the California Natural Diversity Database as well as standard field guides and texts on sensitive and non-sensitive biological resources.

Impacts are presented in terms of permanent displacement, resulting from grading or paving and the vegetation that would not be expected to reestablish itself following construction. Areas with temporary displacement due to grading are those that would be disturbed during construction, but vegetation would reestablish itself following construction.

A Biological Assessment/Natural Environment Study was prepared in accordance with legal requirements set forth under Section 7 of the Federal Endangered Species Act [16 U.S.C. 1536] and Section 2080.1 of the Fish and Game Code 2002 California Edition. Section 7 *Formal Consultation* through the U.S. Fish and Wildlife Service has been completed for the desert tortoise (*Gopherus agassizii*), a federal and state listed threatened species.

3.2.1 Affected Environment

Volcanic cliffs and Little Lake run along the eastside of the project, causing a barrier to migrating wildlife. The west side of the project is bordered by the steep base of the Sierra Nevada Mountains. Habitat within the project area is classified as low sagebrush scrub, with sagebrush, rabbitbrush, and atriplex being dominant species.

Table 3-1 presents endangered and threatened species that may occur in the project area, as determined by the U.S. Fish and Wildlife Service (see Appendix H for correspondence, October 28, 2002, from U.S. Fish and Wildlife Service).

Table 3-1 Special Status Species

Common Name	Species	Status	Direct Effect	Indirect Effect	Cumulative Effect	Determination
Desert tortoise	*Gopherus agassizii*	ST FT	No	Yes	Yes	May affect
Mohave ground squirrel	*Spermophilus mohavensis*	ST FT	No	Yes	Yes	May affect
Southwestern willow flycatcher	*Empidonazx trailli extimus*	FE	No	Yes	Yes	No effect
Least Bell's vireo	*Vireo bellii pusillus*	FE, SE	No	Yes	Yes	No effect
Owens speckled dace	*Rhinichthys osculus ssp*	CSC	No	No	No	No effect
Le Conte's thrasher	*Toxostoma lecontei*	CSC	No	Yes	Yes	May affect
Charlotte's phacelia	*Phacelia nashiana*	CNPS 1B FSC	No	No	No	No effect
Nine mile canyon phacelia	*Phacelia novenmillensis*	CNPS 1B FSC	No	No	No	No effect
Spanish needle onion	*Allium shevockii*	CNPS 1B FSC	No	No	No	No effect
Wong's springsnail	*Pyrgulopsis wongii*	None	No	No	No	No effect

***ST** = State Listed as Threatened, **CSC** = California species of concern, **CNPS 1B** = CA Native Plant Society's Listing for Plants Rare, Threatened or Endangered in CA or Elsewhere, **FT** = Federal listed as Threatened, **FSC** = Federal species of concern*

3.2.2 Impacts

Because habitat associated with the following species does not exist within the project area, no direct, indirect or cumulative effect would occur to the *Owens speckled dace, Charlotte's phacelia, Nine-mile canyon phacelia, Spanish needle onion and Wong's springsnail.*

Mohave Ground Squirrel

Direct and indirect effects to the Mohave ground squirrel are expected to occur as a result of the project. Because habitat would be removed, ground disturbance and habitat fragmentation would occur. Cumulative effects that are expected to occur include Caltrans roadside maintenance activities, such as mowing roadside vegetation (a fire reduction measure) and maintaining the highway drainage system. Because of these indirect and cumulative effects, the project may affect, but would not likely adversely affect, the Mohave ground squirrel.

Desert Tortoise

No direct effects to the desert tortoise are expected to occur as a result of the project because clearance surveys of the project area would be performed before construction and Contract Special Provisions would be implemented. Indirect effects may occur in the form of removal of habitat, which contributes to habitat fragmentation. Cumulative effects may result from Caltrans maintenance activities, which require litter pick-up, brush control and drainage maintenance.

Habitat associated with the desert tortoise does occur within the project area, and indirect and cumulative effects are expected to occur. Therefore, this project may affect, but would not likely adversely affect, the desert tortoise.

Le Conte's Thrasher

Habitat associated with the Le Conte's thrasher does exist within the study area. However, the habitat that is proposed for removal is next to the existing highway and therefore is heavily affected by noise and is not considered suitable nesting habitat, but may be used for foraging. No direct effect, therefore, would occur. Indirect and cumulative effects (Maintenance activities, culvert cleaning, pesticide spraying, mowing), however, may occur as a result of the project.

Habitat (desert wash, desert scrub habitats) associated with this species occurs within the project area and cumulative effects (Maintenance activities, culvert cleaning, pesticide spraying, mowing) may occur, therefore this project may affect, but would not likely to adversely affect, the Le Conte's thrasher.

Habitat Affected

Approximately 0.11 hectare (0.26 acres) of sagebrush scrub habitat would be permanently affected, while 5.06 hectares (12.49 acres) would be temporarily affected because of grading activities resulting from this project. Loss of this habitat is not considered substantial for common wildlife species because such losses would be small when compared to the abundance in the region (see Table 3-2).

Table 3-2 Acres Affected

Habitat Classification	Permanent Impacts/ Temporary Impacts	Total within Project Area
Sagebrush Scrub Habitat	0.11 hectare/5.06 hectares (0.26 acres/12.49 acres)	209.66 hectare (518.05 acres)
Barren Dirt Area	5.06 hectares/0 hectare (12.49 acres/0 acres)	5.06 hectare (12.49 acres)
Pavement	New Pavement 0.11 hectare (0.26 acres)	Existing Pavement 33.42 hectare (82.58 acres)
Total Acres Within Project Area	5.28 hectares/5.32 hectares 12.86 hectare (12.75 acres)	248.13 hectare (613.12 acres)

Permanent impacts = *Those areas where vegetation is prevented from growing (new pavement)*
Temporary impacts = *Those areas where vegetation can grow back (cut, fill, and catch slopes)*

No sensitive plant species were observed during the botanical surveys, and no impacts are expected for sensitive plant species.

3.2.3 Mitigation

Caltrans is proposing to mitigate permanent project impacts at a 1:1 ratio. The ratio is based on the fact that the project is outside the historic range and natural barriers (steep slopes, bodies of water, and cliffs) limit migration.

This project would approximately affect 0.11 hectare (0.26 acres) of sagebrush habitat, so Caltrans would mitigate by purchasing 0.11 hectare (0.26 acres) of habitat in a location approved by the California Department of Fish and Game. Separate mitigation for the Le Conte's thrasher is not planned because that habitat is similar to the habitat of the desert tortoise and Mohave ground squirrel. Because the desert tortoise, Mohave ground squirrel and Le Conte's thrasher occupy similar habitat, land purchased for the Mohave ground squirrel would also mitigate for project impacts to desert tortoise habitat and Le Conte's thrasher habitat.

In addition, Caltrans would request a Section 2080.1 and 20.80.1 (b) permit from the California Department of Fish and Game for incidental "take" on desert tortoise and Mohave ground squirrel for this project before construction begins.

Special provisions for migratory birds and the desert tortoise would be included into the Contract Special Provisions (see Appendix D of this document).

3.3 Social and Economic

Environmental Justice

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, signed by President Clinton on February 11, 1994, directs federal agencies to take the appropriate and necessary steps to identify and address disproportionately high and adverse effects of federal projects on the health or environment of minority and low-income populations to the greatest extent practicable and permitted by law.

The proposed project is located within a rural environment. There are no communities, residents, or structures within the project limits that would be affected. No minority or low-income populations have been identified within the project limits that would be adversely affected by the proposed project as specifically required by Executive Order 12898 regarding environmental justice.

Title VI

Caltrans is also committed to Title VI of the Civil Rights Act. This act provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. See Appendix C for a copy of the Caltrans Title VI policy statement.

3.4 Historic and Archaeological Preservation

The nature of the proposed project and the involvement of a federal agency (the Federal Highway Administration) require compliance with Section 106 of the National Historic Preservation Act, as codified in 36 CFR § 800. Section 106 mandates federal agencies to consider the effects of their projects on historic properties (resources eligible or potentially eligible for the National Register of Historic Places).

A Historic Property Survey Report was prepared to document cultural resources within the project study area. The purpose of the report is to document efforts by the Federal Highway Administration and Caltrans to identify historic properties within the project area and seek concurrence the between Federal Highway Administration and the State Historic Preservation Officer regarding the National Register of Historic Places eligibility or ineligibility of identified resources. The report is on file at the Caltrans District 6 office in Fresno and the District 9 office in Bishop.

The project's cultural resources studies were conducted between 2001 and 2003. An archaeological survey of the project area was conducted in August and October 2001.

3.4.1 Affected Environment

Most non-urban areas in Inyo County are considered archaeologically sensitive, although the probability of encountering buried deposits where there is no surface evidence is limited. There is a slight possibility that archaeological deposits could have been buried in the Little Lake region by a volcanic eruption from within the Coso Volcanic Field. Geologic evidence, however, indicates that there has been no eruption in the Coso Volcanic Field for at least 40,000 years (U.S. Geological Service 2000). Additionally, the dynamic nature of alluvial and wind deposits of desert environments makes it difficult to predict the possible location of buried archaeological remains.

The archaeological survey for this project was done in August and October 2001. Numerous sites were identified (see 3.4.2 Impacts below).

3.4.2 Impacts

Caltrans conducted a cultural resources survey of the project area and identified eight archaeological sites, three historic linear sites, and two bridges in the study area. Of the resources identified, 10 sites are located within the area of potential effects for the proposed project: five archaeological sites, three linear sites, and two bridges. One of the 10 sites located within the area of potential effects was evaluated, but the portion of the site within the area of direct impact has been determined to be a non-contributing element to the site if it were evaluated as a whole. Three sites are located within the area of potential effects, but lie outside the area of direct impact. For this project, Caltrans considers these sites as eligible properties and modified the project to avoid any adverse effects to these potential historic properties pursuant to 36 CFR 800.5(b). This was done in consultation with the State Historic Preservation Officer.

After considering the remaining six cultural resources identified in the area of potential effects, the following determination has been made:

- Archaeological sites considered eligible for the National Register of Historic Places for this project: CA-INY-3654; P-14-7132; P-14-7133; CA-INY-2207/2758

- Portions of resources within the area of direct impact not eligible for the National Register of Historic Places on their own and would not contribute to the overall eligibility of the properties if they were evaluated in their entirety: P-14-7130; P-14-7131

- Resources not eligible for the National Register of Historic Places: CA-INY-6359H; Bridge #48 0046R; Bridge #48 0051L

- Resources previously evaluated as not eligible for the National Register of Historic Places: CA-INY-4607H

Resources Considered Eligible for the Purpose of this Project

Because of their location within the project area, three prehistoric sites (CA-INY-3654, P-14-7132, and P-14-7133) have not been evaluated for eligibility for inclusion on the National Register of Historic Places. All three sites lie within the area of potential effects, but outside the area of direct impact. An additional site (CA-INY-2207/2758) is located within the area of potential effects, but the portion of the site within the area of direct impact has been determined to be a non-contributing element for the site's eligibility for the National Register of Historic Places if it were evaluated as a whole. For this project, Caltrans considers these sites as eligible properties and therefore changed the project to avoid any adverse effects to these potentially historic properties pursuant to 36 CFR 800.5(b).

CA-INY-2207/2758

Last recorded in 1996, the site CA-INY-2207/2758 is described as an extensive, sparse obsidian lithic scatter. Site boundaries were questioned during the current archaeological survey. Extended Phase I excavation was performed to determine the importance of the site located within the area of direct impact.

The portion of this site that lies within the project's area of direct impact has been determined not to be important enough to require protection. This portion would also

not contribute to the overall importance of the site if it were evaluated under the rules of the National Historic Preservation Act.

CA-INY-3654

Site CA-INY-3654 is described as an extensive milling complex and possible seasonal habitation site. The western boundary of CA-INY-3654 lies well outside the project's area of direct impact. The highway shoulders in this area currently meet required standards at 3 meters (10 feet) from edge of pavement. Therefore, no new work outside the existing highway and shoulder area would be necessary.

P-14-7132

Site P-14-7132 is a sparse and widely dispersed obsidian lithic scatter. A possible projectile point reformed into a drill, and a biface midsection were located here. The easternmost boundary of P-14-7132 lies well outside the project's area of direct impact. The highway shoulders in this area are paved and currently meet required standards at 1.5 meters (5 feet) from edge of the outside lane. Therefore, no new work outside the existing highway and shoulder area would be necessary.

P-14-7133

Site P-14-7133 is a very small, sparse obsidian lithic scatter. The only obvious disturbance to this site is the installation and maintenance of a Caltrans Right-of-Way fence. The western boundary of P-14-7133 lies well outside the project's area of direct impact. The highway shoulders in this area are paved and currently meet required standards at 3 meters (10 feet) from edge of the outside lane. Therefore, no new work outside the existing highway and shoulder area would be necessary.

3.4.3 Mitigation

The Federal Highway Administration and Caltrans determined a finding of "No Adverse Effect" to site CA-INY-2207/2758 and a finding of a conditional "No Adverse Effect" to sites CA-INY-3654, P-14-7132, and P-14-7133 by prescribing environmentally sensitive areas, designated by surrounding each site with temporary fencing (see next subsection).

CA-INY-3654, P-14-7132 and P-14-7133 would not be affected by the project. Portions of the sites or the complete site lies within the Caltrans right-of-way, but outside of the project's area of direct impact and would be protected with environmentally sensitive areas fencing. Establishing environmentally sensitive areas is the only mitigation measure for these sites.

The portion of site CA-INY-2207/2758 that lies within the area of direct impact has been determined not to need protection from the construction project. The existing Caltrans right-of-way fence would protect the portion of the site that has not been studied. No mitigation is proposed for this site.

The State Historic Preservation Office concurred with the above determinations on January 21, 2004 (see Appendix G).

Consultation with Ms. Rachel Joseph, Chairperson of the Lone Pine Paiute-Shoshone Reservation, has occurred throughout all phases of the project to date. Ms. Joseph has requested that a Native American monitor (someone to monitor the progress of the project on the behalf of the reservation) be present during all construction activities. Caltrans would coordinate with the Lone Pine Pauite-Shoshone Reservation to assure a Native American monitor is present during construction.

If buried cultural materials were unearthed during construction, Caltrans policy states that work must be halted in the vicinity of the find until a qualified archaeologist can assess its significance. If human remains were unearthed during construction, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the county coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98.

Special provisions for the protection of cultural resources would be included in the Contract Special Provisions (see Appendix D of this document).

Environmentally Sensitive Areas

To eliminate the potential to affect archaeological deposits at sites CA-INY-3654, P-14-7132, and P-14-7133, Caltrans would protect potentially eligible deposits by identifying them as “environmentally sensitive areas” and enclosing them within a temporary fence. Caltrans would further ensure site protection with the following measures: 1) installation of the temporary environmentally sensitive areas fencing would be monitored by an archaeologist and Native American monitor; 2) construction activities within 15 meters (50 feet) of known site boundaries shall be monitored by an archaeologist and Native American monitor; and 3) the integrity of the environmentally sensitive areas fences as installed would be monitored throughout the duration of the construction activities in the vicinity of these sites.

3.5 Hazardous Waste

3.5.1 Affected Environment

A site assessment revealed no potential hazardous waste sites in the project limits. There are no indications that any major spills or dumping have occurred anywhere near the proposed work areas. If hazardous waste were unexpectedly encountered during construction, the materials would be disposed of according to local, state and federal laws and regulations.

Aerially Deposited Lead

A site inspection was performed in March 2001 to determine the presence of aerially deposited lead. Laboratory testing of soil samples collected at selected locations indicated that the total lead concentration was relatively low. One location (boring #194 at approximately post mile 6.2), however, had a concentration in excess of 350 milligrams per kilogram. Based on the statistical analysis, the soil, if treated as a whole and sampled on a composite basis from stockpile generated during construction activities, would not be considered hazardous.

3.5.2 Impacts

No impacts are expected.

3.5.3 Mitigation

No mitigation would be necessary.

3.6 Land Use

3.6.1 Affected Environment

Little Lake is located at the base of the eastern slope of the Sierra Nevada Mountains, with elevations ranging from 800 to 1000 meters (2500 to 3200 feet). Situated in a constricted part of Owens Valley in Rose Valley, the lake is a combined result of the building out of alluvial fans from the Sierra Nevada and Pleistocene lava flows originating in the eastern side of the Owens Valley. The climate is subarid. Summers are warm and dry, with temperatures that exceed 38 degrees Celsius (100 degrees Fahrenheit). Winters are cool, with temperatures that drop below freezing. Rain falls from primarily from December to March.

Rose Valley marks a transitional zone between the botanical Great Basin and the botanical Mojave Desert. The Little Lake area represents the Desert Scrub and Riparian-Lacustrine zones. The vegetation is consistent with Desert Scrub: big sagebrush, bud sage, shadescale, spiny hopsage and creosote bush. Coot, mallard, geese, white pelican and other migratory waterfowl and upland game birds are abundant near Little Lake.

Nearly all the adjacent land is classified as open-space and is owned by the Bureau of Land Management.

3.6.2 Impacts

The build alternative would use the existing right-of-way, which ranges from approximately 73.0 meters (240 feet) to 474 meters (1,555 feet) along the route. No additional land is needed for the curve correction. No homes or businesses would be affected by the project.

3.6.3 Mitigation

No mitigation measures would be necessary.

3.7 Water

3.7.1 Affected Environment

The proposed project crosses the bed of Five-Mile Canyon drainage wash. Channel work must conform to the requirements of the best management practices. The Statewide National Pollutant Discharge Elimination System (NPDES) construction permit, California Department of Fish and Game's 1601 permit, and Caltrans' standard specifications would provide sufficient controls to prevent any short-term impacts during construction.

To minimize adding sediment to the wash, the rock slope protection to be placed in the Five-Mile Canyon drainage wash would require clean or washed material. The rock slope protection would be constructed, maintained, and placed in operation during the no-flow season.

According to U.S. Army Corps of Engineers guidelines, no wetlands occur in the project limits.

3.7.2 Impacts

No impacts are expected.

3.7.3 Mitigation

No mitigation would be necessary.

3.8 Floodplain

Executive Order 11988 (Floodplain Management) directs all federal agencies to refrain from conducting, supporting, or allowing actions in floodplains unless it is the only practicable alternative. The Federal Highway Administration requirements for compliance are outlined in 23 CFR 650 subpart A.

The 100-year floodplain is defined as the "area subject to flooding by the flood or tide having a 1% change of being exceeded in any given year." An encroachment is defined as "an action within the limits of the 100-year floodplain."

3.8.1 Affected Environment

A Floodplain Evaluation Report (see Appendix E) and a Preliminary Drainage Report (see Appendix F) were performed for the proposed project. The project is located at the base of the eastern edge of the southern Sierra Nevada Mountains at an average elevation of 920 meters (3,000 feet). The average annual precipitation in this area is 150 millimeters (6 inches), occurring primarily as rainfall.

3.8.2 Impacts

There are no Federal Emergency Management Agency-designated floodplains within the limits of the project, and the current drainage facilities are adequate to channel the 100-year flow. The proposed project would not have the effect of raising the 100-year floodplain at the drainage crossings (see Appendix E for the Floodplain Evaluation Report Summary).

3.9 Paleontology

A record search of the June 1, 2000 paleontological database showed only low sensitivity (meaning little potential for finding paleontological resources) in the limits of the project area. Therefore, no impacts are anticipated.

3.10 Construction

A traffic management plan would not be required for this project. Provisions would be made for staging construction for safe traffic movement.

With appropriate Caltrans' best management practices in place, temporary construction-related impacts would not be substantial.

Chapter 4 Cumulative Impacts

Cumulative impacts can result from individually minor, but collectively substantial, effects of projects taking place over a period of time.

Because of the type of activity involved—rehabilitation of a roadway—the project is not expected to substantially accelerate or induce growth in the region or cause cumulative impacts. No other projects are currently proposed for the area.

Chapter 5 List of Preparers

This Initial Study was prepared by the Central Region of the California Department of Transportation (Caltrans). The following Caltrans staff prepared this report:

Bart dela Cruz, Caltrans District 9 (Central Region), Senior Transportation Engineer, P.E. , B.S. in Civil Engineering, CSU, Chico; 12 years experience with Caltrans. Contribution: Project Engineer and Design Manager.

Truman Denio, Caltrans District 9, Hydraulics Engineer, Design Engineer P.E. B.S. in Civil Engineering, University of California, Davis 1979; Registered Civil Engineer in 1982; 24 years experience in civil engineering public works projects including 13 years hydrology/hydraulics. Contribution: Hydraulic Study.

Mike Donahue, Chief Southern Sierra Environmental Branch: Senior Environmental Planner. B.A., Geography, California State University, Fresno; 29 years urban and environmental planning experience. Contribution: Environmental Manager.

Sarah Gassner, Caltrans, Central Region, Associate Environmental Planner, Archaeologist. M.A., Cultural Resources Management, Sonoma State University, B.A., Anthropology, California State University, Fresno; 8 years archaeology/cultural resources experience. Contribution: Archaeological Studies.

Kelly Hobbs, Caltrans, Central Region, Associate Environmental Planner (Architectural Historian). M.A. candidate, History, California State University, Fresno, B.A., History, California State University, Fresno; 5 years architectural history experience. Contribution: Historic Studies.

Dan Holland, Caltrans District 9, transportation engineering department, 15 years with Caltrans, graduated San Diego State University with degree in Geography with minors in Economics, Engineering with an emphasis of studies in Conservation/Ecology, contribution: air, noise, water, hazmat and construction stormwater.

Tom Mills, Caltrans, District 9, Associate Environmental Planner (Archaeology). M.A., Anthropology, California State University, Sacramento. 7 years

experience in California and Great Basin Archaeology. Contribution: Native American Coordination.

Wendy Philpott, Caltrans, District 9, Associate Biologist. B.A., Applied Biology, California State University, Fresno; 17 years biology experience. Contribution: Natural Environment Study.

Malissa Reynolds, Transportation Engineer, Design Branch J, Bishop, California. B.S., Civil Engineering, San Diego State University; 5 years design experience. Contribution: Project Engineer

Jane Sellers, Research Writer. B.A., Journalism, California State University, Fresno; 20 years writing/editing experience. Contribution: Edited the Initial Study.

Judy D. Tordoff, Caltrans Headquarters, Cultural and Community Studies Branch, Associate Environmental Planner (Archaeology). Ph.D., Anthropology (Historical Archaeology), Michigan State University; 36 years archaeological experience, 20 of them in California. Contribution: Historic Studies.

Juergen Vespermann, Associate Environmental Planner. Civil Engineering Degree, Fachhochschule Muenster, Germany; 14 years transportation planning/environmental planning experience. Contribution: Environmental Coordination.

Bryan Winzenread, Project Manager. B.S. in Civil Engineering, California State University, Fullerton. 8 years of civil engineering experience, four of which have been with the California Department of Transportation. Contribution: Project Manager.

Chapter 6 References

Archaeological Survey Report, Sarah Gassner, Associate Environmental Planner (Archeologist), Caltrans, April 2002

Historic Property Survey Report, Sarah Gassner, Associate Environmental Planner (Archeologist), Caltrans, July 2003

Biological Assessment and Natural Environment Study, Wendy Philpott, Associate Environmental Planner, Little Lake Rehab Project, Caltrans, May 2003

Air, Noise, Water Study, Dan Holland, Caltrans, District 9, June 13, 2002

Site Investigation Report, IT Corporation, Aerially Deposited Lead Study, June 26, 2001

Appendix A Environmental Checklist

One of the purposes of the California Environmental Quality Act (CEQA) is to inform state, regional and local governmental decision-makers and the public of impacts of proposed activities, and in particular, those impacts that are either significant or potentially significant.

Determining and documenting whether an activity may have a significant effect on the environment is a critical step in the CEQA process. The following CEQA Environmental Significance Checklist was used to identify and evaluate any potential impacts from the proposed activity on physical, biological, social and economic resources. This checklist is not a National Environmental Policy Act (NEPA) requirement.

Differences exist in the way impacts are addressed in CEQA environmental documents as compared to NEPA environmental documents. While CEQA requires that environmental documents state a determination of significant or potentially significant impacts, as has been done in the following CEQA checklist, NEPA does not. Addressing significant or potentially significant impacts in joint CEQA and NEPA environmental documents can be confusing especially in those instances where the two laws and implementing regulations have different thresholds of significance.

Under NEPA, the degree to which a resource is affected is only used to determine whether a NEPA Environmental Impact Statement or some lower level of NEPA documentation would be required. Under NEPA, once the federal agency has determined the magnitude of the project's impacts and the level of environmental documentation required, it is the magnitude of the impact that is evaluated in the environmental document and no judgment of its degree of significance is deemed important in the document text. For the purpose of the impact discussion in this document, determination of significant or potentially significant impacts is made only in the context of CEQA. Although not explicitly identified in this document, impacts in the context of NEPA can be assumed to be minimal or non-existent.

Based on the results of the technical studies, it has been determined that the appropriate level of CEQA environmental documentation for this project is an Initial Study/Negative Declaration.

	Potentially significant impact	*Less than significant impact with mitigation*	*Less than significant impact*	*No impact*
AESTHETICS - Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒
AGRICULTURE RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒
AIR QUALITY - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒

	Potentially significant impact	*Less than significant impact with mitigation*	*Less than significant impact*	*No impact*
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	X
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	X
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	X

BIOLOGICAL RESOURCES - Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	X	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	X

COMMUNITY RESOURCES - Would the project:

	Potentially significant impact	*Less than significant impact with mitigation*	*Less than significant impact*	*No impact*
a) Cause disruption of orderly planned development?	☐	☐	☐	X
b) Be inconsistent with a Coastal Zone Management Plan?	☐	☐	☐	X
c) Affect life-styles, or neighborhood character or stability?	☐	☐	☐	X
d) Physically divide an established community?	☐	☐	☐	X
e) Affect minority, low-income, elderly, disabled, transit-dependent, or other specific interest group?	☐	☐	☐	X
f) Affect employment, industry, or commerce, or require the displacement of businesses or farms?	☐	☐	☐	X
g) Affect property values or the local tax base?	☐	☐	☐	X
h) Affect any community facilities (including medical, educational, scientific, or religious institutions, ceremonial sites or sacred shrines?	☐	☐	☐	X
i) Result in alterations to waterborne, rail, or air traffic?	☐	☐	☐	X
j) Support large commercial or residential development?	☐	☐	☐	X
k) Affect wild or scenic rivers or natural landmarks?	☐	☐	☐	X
l) Result in substantial impacts associated with construction activities (e.g., noise, dust, temporary drainage, traffic detours and temporary access, etc.)?	☐	☐	X	☐
CULTURAL RESOURCES - Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	X
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	X
GEOLOGY AND SOILS - Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☐	X

	Potentially significant impact	*Less than significant impact with mitigation*	*Less than significant impact*	*No impact*
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	X
ii) Strong seismic ground shaking?	☐	☐	☐	X
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	X
iv) Landslides?	☐	☐	☐	X
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	X
HAZARDS AND HAZARDOUS MATERIALS - Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	X

	Potentially significant impact	*Less than significant impact with mitigation*	*Less than significant impact*	*No impact*
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	X
HYDROLOGY AND WATER QUALITY - Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	X	☐	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	X
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	X
f) Otherwise substantially degrade water quality?	☐	☐	☐	X
g) Place housing within a 100-year flood hazard area as	☐	☐	☐	X

	Potentially significant impact	*Less than significant impact with mitigation*	*Less than significant impact*	*No impact*
mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	X
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	X
LAND USE AND PLANNING - Would the project:				
a) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	X
b) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	X
MINERAL RESOURCES - Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	X
NOISE - Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels	☐	☐	☐	X

	Potentially significant impact	*Less than significant impact with mitigation*	*Less than significant impact*	*No impact*
existing without the project?				
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	X
POPULATION AND HOUSING - Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	X
PUBLIC SERVICES -				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	☐	☐	☐	X
Police protection?	☐	☐	☐	X
Schools?	☐	☐	☐	X
Parks?	☐	☐	☐	X
Other public facilities?	☐	☐	☐	X
RECREATION -				
a) Would the project increase the use of existing				

	Potentially significant impact	*Less than significant impact with mitigation*	*Less than significant impact*	*No impact*
neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	X
TRANSPORTATION/TRAFFIC - Would the project:				
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☐	X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	X
e) Result in inadequate emergency access?	☐	☐	☐	X
f) Result in inadequate parking capacity?	☐	☐	☐	X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	X
UTILITIES AND SERVICE SYSTEMS - Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	X

	Potentially significant impact	*Less than significant impact with mitigation*	*Less than significant impact*	*No impact*
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

MANDATORY FINDINGS OF SIGNIFICANCE -

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☒
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

Appendix B Coordination and Consultation

Agency and Organization Involvement

The following agencies and organizations were consulted and coordinated with during the project development:

U. S. Fish and Wildlife Service: Caltrans requested a list of endangered and threatened species that might be present in the project area. A list was received on October 28, 2002.

California Department of Fish and Game: Caltrans entered into consultation with the California Department of Fish and Game regarding the project's impacts upon California listed species. A 1601 Streambed Alteration Agreement would be needed for construction activities around creeks to ensure maximum protection for riparian habitats affected by the proposed project.

Bureau of Land Management: The Bureau of Land Management was continuously consulted throughout the project. Caltrans cultural resources documents were submitted for bureau review, and permits were acquired for entering property.

Regional Water Quality Control Board: The Regional Water Quality Control Board has jurisdiction over construction activities adjacent to the waterways under the Clean Water Act (401).

Eastern California Museum: No historical societies are known to exist in the general vicinity of the project area, but the directors of the Eastern California Museum in Independence have been contacted regarding the proposed project. A letter was sent on May 11, 2001 requesting information pertaining to any historic resources that may be affected by this project. There has been no response to date.

Historical Society of the Upper Mojave Desert: Lou Pracchia, Director of Collections for the Historical Society of the Upper Mojave Desert, was contacted on several occasions via telephone and email during historical research for the project. Mr. Pracchia provided historical information, photographs, references, and the names of contacts.

Native American Heritage Commission: Coordination with the Native American community included contacting the Native American Heritage Commission and requesting a search of the sacred lands files (February 23, 2001). The Native

American Heritage Commission's reply, dated March 8, 2001, stated that the records search of the sacred lands files did not find recorded Native American cultural resources in the immediate project area. The Native American Heritage Commission also provided a list of Native American individuals and groups that might have an interest in the proposed project.

Public Participation and Information

During the Project Development process, Caltrans coordinated its efforts closely with the landowner, the Bureau of Land Management.

Native American consultation efforts included correspondence with Rob Wood (California Native American Heritage Commission) and Rachel A. Joseph (Lone Pine Paiute-Shoshone Reservation). Consultation with Ms. Rachel Joseph, Chairperson of the Lone Pine Paiute-Shoshone Reservation, has occurred throughout all phases of the project to date. Ms. Joseph has requested that a Native American monitor be present during all construction activities. Caltrans would coordinate with the Lone Pine Pauite-Shoshone Reservation to assure a Native American monitor is present during construction.

The Draft Initial Study was circulated to the public from February 23, 2004 to April 8, 2004. During the public comment period Caltrans made the Initial Study available to the public and published the opportunity for a public hearing in the Inyo County Register and made announcements on local radio stations. No comments were received. The confirmation letter from the State Clearinghouse is shown in Appendix I.

Appendix C Title VI Policy Statement

DEPARTMENT OF TRANSPORTATION
OFFICE OF THE DIRECTOR
1120 N STREET
P. O. BOX 942873
SACRAMENTO, CA 94273-0001
PHONE (916) 654-5267
FAX (916) 654-6608

July 26, 2000

TITLE VI
POLICY STATEMENT

The California State Department of Transportation under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person in the State of California shall, on the grounds of race, color, sex and national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity it administers.

Jeff Morales

JEFF MORALES
Director

Appendix D Special Provisions

Lead Provisions

Studies conducted in March 2001 to determine if the soil in the project area was contaminated with aerially deposited lead did not reveal any substantial levels of the substance. However, prior to any excavation or other disturbance of the soil in the project boundaries, a project-specific Health and Safety Plan must be developed to prevent or minimize employees' exposure to the potential lead hazard.

The required elements of the site safety plan are contained in Title 8, California Code of Regulations (CCR), Section 5192(b) (4) (B) and the Occupational Safety and Health Guidance Manual published by the National Institute of Occupational Safety and Health, Occupational Safety and Health Administration and U.S. Environmental Protection Agency.

Before performing any work in areas containing lead, personnel who have no prior training or are not current in their training status, including state personnel, shall complete a safety-training program that meets the requirements of Title 8, CCR Section 1532.1.

Migratory Bird Special Provisions

It is anticipated that migratory birds may try to nest in vegetation or on structures within the Caltrans right-of-way or easement. If any work would alter vegetation or structures within the Caltrans right-of-way or easement, the contractor shall take measures as necessary to prevent impacts to migratory birds, including any part, nest, or egg or any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or part, or any such bird or any part, nest, or egg thereof. Federal and state laws protect migratory birds, their occupied nests, and their eggs from destruction. The applicable federal law is the Migratory Bird Treaty Act (15 USC 703-711), 50 CFR Part 21, and 50 CFR Part 10. Protection under California law is found in the Fish and Game Code Sections 3503, 3513, and 3800. Any persons responsible for violating these laws may be arrested by a representative of the Department of the Interior (U.S. Fish and Wildlife Service) or a California Department of Fish and Game warden. Any person found guilty shall be fined up to $10,000 or serve a six-month imprisonment, or both.

No extension of time or compensation will be granted for a suspension of work due to nesting migratory birds.

Full compensation for preventing nesting and for conforming to the requirements in these special provisions shall be considered as included in the prices paid for the various contract items of work involved and no additional compensation will be allowed.

Desert Tortoise Provisions

The location of this project is within an area that is the habitat of the desert tortoise, which is protected by the Endangered Species Act.

The contractor shall furnish a qualified biologist who will be responsible for overseeing compliance with protective stipulation for the desert tortoise.

The qualified biologist(s) shall be responsible to see that all persons employed on the construction project shall receive instruction regarding the desert tortoise prior to performing onsite work. Instruction shall include the importance of the desert tortoise to the environment, recovery efforts for the desert tortoise, implications of the Endangered Species Act, and the importance of following all terms and conditions provided in the Biological Opinion. Employees shall be notified that they are not authorized to handle or otherwise move desert tortoises encountered on the project site. An education program that has been previously approved by the U.S. Fish and Wildlife Service may be used to satisfy this term and condition, provided the project-specific mitigation measures are fully discussed.

Only biologists authorized by the U.S. Fish and Wildlife Service, the California Department of Fish and Game and the Bureau of Land Management shall handle desert tortoises. Caltrans shall submit the names(s) of the proposed authorized biologist(s) to the U.S. Fish and Wildlife Service for review and approval at least 15 days before the onset of activities. No construction activities shall begin until an authorized biologist is approved.

The authorized desert tortoise biologist shall monitor installation of the temporary geo grid fencing. After installation, the qualified biologist(s) shall regularly inspect the fence to ensure its integrity. Any repairs to the fence shall be made immediately.

The entire project area shall be surveyed for desert tortoises by the authorized biologist after installation of the fence and within seven days prior to the start of any further construction activities. Desert tortoise burrows within the project limits shall be excavated by hand either by or under the direct supervision of the authorized biologist, and collapsed to prevent reentry. All desert tortoises found shall be

removed from within the fenced area or placed outside of the construction corridor. If the removal is during the season of above-ground activity, the desert tortoises shall be placed beside a nearby burrow of appropriate size. If the removal is not in the season of above-ground activity, the desert tortoise shall be moved (dug out of burrow, if necessary) on a seasonably warm day and placed at the mouth of a nearby burrow of appropriate size. If the desert tortoise does not enter the burrow, an artificial burrow may be constructed and the desert tortoise placed within it. The authorized biologist shall be allowed some judgement and discretion to ensure that survival of the desert tortoise is likely.

If desert tortoises are encountered above ground during construction, the desert tortoise shall be moved out of the construction corridor, placed under a shrub in the direction it was traveling. In general, desert tortoises should be moved the minimum distance possible to ensure their safety. If desert tortoises need to be moved at a time of the day when ambient temperatures could harm them (i.e., extremely low [less than 40 degrees F] or high [greater than 90 degrees F] temperatures), they shall be held overnight in a clean cardboard box. These desert tortoises shall be kept in the care of the authorized biologist under appropriate controlled temperatures and released the next day when temperatures are favorable. All cardboard boxes shall be properly discarded after one use.

Desert tortoises moved from within fenced sites shall be marked for future identification. An identification number using the acrylic paint/epoxy covering technique shall be placed on the fourth left costar scute (Fish and Wildlife Service 1990). Then 35-mm slide photographs of the carapace, plastron, and the fourth costar scute shall be taken. No notching is authorized.

Desert tortoises shall be handled only by the authorized biologist and only when necessary. New latex gloves shall be used when handling each desert tortoise to avoid the transfer of infectious diseases between animals.

The authorized biologist(s) shall follow the general handling protocol sections of the "Protocols for Handling Live Tortoises" (Arizona Game and Fish Department et al. 1991). There will not be any replacement of lost fluids in any desert tortoise with a syringe.

If it is necessary for a worker to park temporarily outside of the fenced enclosures, the worker shall inspect for desert tortoises under the vehicle prior to moving it. If a desert tortoise is present, the worker shall carefully move the vehicle only when

necessary and when the desert tortoise would not be injured by moving the vehicle or shall wait for the desert tortoise to move out from under the vehicle. The authorized biologist may also be contacted to remove the desert tortoise.

The authorized biologist shall maintain a record of all desert tortoises handled. This information shall include for each desert tortoise:

1. The locations (narrative and maps) and dates of observations;

2. General condition and health, including signs of diseases, injuries and state healing, and whether animals voided their bladders;

3. Location moved from and location moved to;

4. Diagnostic markings (i.e., identification numbers or marked lateral scutes) and;

5. Slide photograph of each handled desert tortoise as described in term and condition 5 of the Programmatic Biological Opinion.

No later than 90 days after the completion of construction or termination of exploration activities, authorized biologist(s) shall prepare a report for the U.S. Fish and Wildlife Service. The report shall document the effectiveness and practicality of the mitigation measures, the number of desert tortoises excavated from burrows, the number of desert tortoises moved from the site, the number of desert tortoises killed or injured, and the specific information for each desert tortoise as described in measure 3 of the Programmatic Biological Opinion. The report shall make recommendations for modifying the stipulations to enhance desert tortoise protection or to make it more workable for the contractor. The report shall provide an estimate of the actual acreage disturbed by the widening projects.

When a dead or injured desert tortoise is located, initial notification must be made within three working days of the finding to the U.S. Fish and Wildlife Service's Division of Law Enforcement in Torrance at phone (310) 297-0062. The U.S. Fish and Wildlife Service's Ventura field office shall also be notified at phone (805) 644-1766. Written notification to both offices must be made within five calendar days and include the date, time, and location of the carcass, a photograph, and any other pertinent information. Care must be taken in handling sick or injured animals to ensure effective treatment and care, and in handling dead specimens to preserve biological material in the best possible state. Caltrans shall endeavor to place the remains of intact desert tortoises with educational or research institutions holding the

appropriate state and federal permit per their instructions. If such institutions are not available or the shell has been damaged, the information noted above shall be obtained and the carcass left in place. Caltrans should consider marking the carcass in a manner that would not be toxic to other wildlife to ensure that it would not be re-recorded in the future.

Arrangements regarding proper disposition of potential museum specimens shall be made with the institution by Caltrans through a biologist prior to implementation of the action. Injured animals shall be transported to a qualified veterinarian. Should any treated desert tortoises survive, the U.S. Fish and Wildlife Service shall be contacted regarding the final disposition of the animals.

The contractor shall also conform to the following requirements and shall conduct work accordingly:

1. Wrappers, food scraps, cans, bottles, etc. must be disposed of in a closed trash container or removed from the site.

2. Do not travel or place materials or equipment outside the designated construction areas.

3. Report any tortoise sighted to the engineer. Sightings must be quickly reported and any work that harms the tortoise shall be stopped until the tortoise is removed by the approved biologist.

4. Do not touch, harass, collect, or otherwise harm the tortoise.

5. If, during construction, the contractor discovers a desert tortoise, the contractor shall protect it and immediately notify the engineer. Work shall be stopped in the immediate area until the approved biologist can move the tortoise safely.

6. If, during construction a desert tortoise is harmed or killed, the contractor shall immediately notify the engineer. Work shall be stopped in the immediate area until the approved biologist can remove the injured or dead tortoise.

Full compensation for conforming to the requirements of this section, including furnishing the biologist, shall be considered as included in the contract prices paid for the various work, and no additional compensation will be allowed.

Cultural Provisions

If buried cultural materials are unearthed during construction, Caltrans policy states that work must be halted in the vicinity of the find until a qualified archaeologist can assess its significance. If human remains are unearthed during construction, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the county coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98.

Ms. Joseph, Chairperson of the Lone Pine Paiute-Shoshone Reservation, has requested that a Native American monitor be present during all construction activities. Caltrans would coordinate with the Lone Pine Pauite-Shoshone Reservation to assure a Native American monitor is present during construction.

Environmentally Sensitive Areas

To eliminate the potential to affect archaeological deposits at sites CA-INY-3654, P-14-7132, and P-14-7133, Caltrans would protect potentially eligible deposits by identifying them as environmentally sensitive areas and enclosing them within a temporary fence. Caltrans shall further ensure site protection with the following measures: 1) the installation of the temporary environmentally sensitive area fencing would be monitored by an archaeologist and Native American monitor; 2) construction activities within 15 meters (50 feet) of known site boundaries shall be monitored by an archaeologist and Native American monitor; and 3) the integrity of the environmentally sensitive area fences as installed would be monitored throughout the duration of the construction activities in the vicinity of these sites.

Appendix E Floodplain Evaluation Summary Report

Floodplain Evaluation Report Summary

Dist.: **09** Co.: **INYO** Rte.: **395** KP: **0.0 - 19.0;** PM:**0.0-11.8**

Project No.: **09-295500** Bridge No.: **48-0046 @ Five Mile Wash**

Limits: **In Inyo on Rte 395 near Little Lake from Kern/Inyo line to 1.9km south of Cinder Road.**

Floodplain Description: **Ephemeral Washes and Drainage swales**

	Yes	No
1) Is the proposed action a longitudinal encroachment of the base floodplain?		X
2) Are the risks associated with the implementation of the proposed action significant?		X
3) Will the proposed action support probable incompatible floodplain development?		X
4) Are there any significant impacts on the natural and beneficial floodplain values?		X
5) Routine construction procedures are required to minimize impacts on the floodplain. Are there any special mitigation measures necessary to minimize impacts or restore and preserve natural and beneficial floodplain values? If yes, then explain.		X
6) Does the proposed action constitute a significant floodplain encroachment as defined in 23 CFR, Section 650.105(q).		X
7) Are Location Hydraulic Studies that document the above answers on file? If not, explain.	X	

PREPARED BY:

Signature- District Hydraulics Engineer — Date: 6/3/02

Signature- District Environmental Branch Chief — Date: 6/17/02

Signature- Project Engineer — Date: 6/3/02

I CONCUR:

Signature- FHWA — Date: 6-18-02

Appendix F Location Hydraulics Study

CALIFORNIA DEPARTMENT OF TRANSPORTATION

DISTRICT 9
May 31, 2002

Preliminary Drainage Report

Project Proposal

The Department of Transportation, CALTRANS-District 9 is proposing to rehabilitate the existing pavement and to bring the existing two lane divided highway up to the current standards. The project scope includes: curve realignments, widening shoulders to 3R standards, cold planing, placing asphalt concrete overlay, placing shoulder backing, modifying existing drainage systems and reconstructing metal beam guard railing.

Hydrological Information

The project is located at the base of the eastern edge of the southern Sierra Nevada Mountains at an average elevation of 920 m (3000 ft.). The average annual precipitation in this area is about 150 mm (6 inches) occurring primarily as rainfall.

The project is surrounded by open land owned / managed by Los Angeles Department of Water and Power (LADWP), BLM, and a nature conservancy group at Little Lake. There is no development adjacent to the highway within the limits of the project. The LADWP aqueduct pipeline parallels the highway on the west side.

The highway is adjacent to Little Lake, a small body of water on the east side of the highway at about PM 10.2.

The highway traverses ephemeral washes that drain the following drainage basins: No Name Canyon, Ninemile Canyon, Deadfoot Canyon, Fivemile Canyon, and Little Lake Canyon. Bridges span the Fivemile Canyon drainage channel wherein it is concreted rock lined. Culverts convey the flow at all other locations.

The current drainage facilities are adequate to convey the 100 year flows.

There are no FEMA designated floodplains within the limits of the project.

The proposed action will not have the affect of raising the 100 year floodplain at the drainage crossings.

Prepared by : Truman P. Denio
Caltrans-District 9
District Hydraulics Engineer

Truman P. Denio
REGISTERED CIVIL ENGINEER

REGISTERED PROFESSIONAL ENGINEER
TRUMAN DENIO
NO. 34556
EXP. 9-30-03
CIVIL
STATE OF CALIFORNIA

Appendix G SHPO Concurrence Letter

STATE OF CALIFORNIA – THE RESOURCES AGENCY ARNOLD SCHWARZENEGGER, *Governor*

OFFICE OF HISTORIC PRESERVATION

DEPARTMENT OF PARKS AND RECREATION

P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 653-6624 Fax: (916) 653-9824
calshpo@ohp.parks.ca.gov
www.ohp.parks.ca.gov

January 21, 2004

In Reply Refer To:
FHWA030804A

David A. Nicol, Acting Division Administrator
California Division
Federal highway Administration
650 Capitol Mall, Suite 4-100
Sacramento, CA 95814

Re: Section 106 Consultation for the Proposed Little Lake Rehabilitation Project on U.S. 395, PM 0.0 to PM 8.6, Inyo County [HDA-CA File # 09-INY-395-0.0/8.6, Document # P46109]

Dear Mr. Nicol,

Thank you for your submission of July 31, 2003 regarding the undertaking referenced above. You are consulting with me in accordance with 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act.

The subject undertaking, as proposed, will rehabilitate and bring to current standards an 8.6-mile segment of U.S. 395 beginning at post mile (PM) 0.0 at the southern Inyo County line, and ending at PM 8.6, one mile south of Little Lake Road. The project involves replacement of all existing pavement along all four lanes, shoulder widening between southbound PM 5.4 and PM 7.4, a curve realignment between southbound PM 4.9 and PM 5.1, drainage improvements, and replacement and/or extension of metal beam guard railing.

In your submittal, you have requested that I concur that, your delineation of the Area of Potential Effects (APE) is adequate and that efforts to identify historic properties, as documented in the Historic Property Survey Report (HPSR) and attached documents, are adequate.

I have reviewed the documentation you have submitted and I concur that the FHWA's efforts to determine and document the Area of Potential Effects (APE) are adequate. On the basis of my review of the Historic Property Survey Report (HPSR), I concur that the HPSR and its attached documents are adequate and that your efforts to involve interested parties and Native Americans are likewise satisfactory.

I agree archaeological sites CA-INY-3654, P-14-7132 and P-14-7133 are appropriately considered eligible for the National Register of Historic Places (NRHP) for the purposes of the present

undertaking only. I agree that placing these properties within Environmentally Sensitive Areas (ESAs) should ensure that the undertaking does not adversely affect them.

I agree that archaeological site CA-INY-2207/2758 is appropriately considered eligible for the NRHP for purposes of the present undertaking only. Furthermore, I agree with your determination that the portion of CA-INY-2207/2758 located within the Area of Direct Impact (ADI), a portion that would be directly affected by the proposed undertaking, does not contain information that would contribute to this site's prospective NRHP eligibility.

You have also determined that portions of linear resources P-14-7130 and P-14-7131 located within the right-of-way and ADI are not individually eligible for the NRHP and would not contribute to the overall eligibility of the properties if these were evaluated in their entirety. I agree with this determination.

I concur that CA-INY-6359H, Bridge #48-0046R and Bridge #48-0051L are not eligible for the NRHP.

Based on my review of the HPSR, it is my understanding that the FHWA has found pursuant to 36 CFR § 800.5(b), that this undertaking will have no adverse effect on historic properties. I understand further that FHWA will:(1) impose on the undertaking the above mentioned protective measures (ESAs) for archaeological sites CA-INY-3654, P-14-7132, and P-14-7133; and, (2) require archaeological and Native American monitoring during construction activities to ensure proper placement and continued enforcement of the ESAs' integrity and effectiveness.

Under these circumstances, I concur with the FHWA's finding that this undertaking, as proposed, will have no adverse effect on historic properties. To confirm the accuracy of my assumption that the FHWA will impose the foregoing conditions on the undertaking, please sign and date the signature block below and thereafter return a copy of this letter to me. If you do not wish to execute the signature block, please let me know at your earliest convenience so that a satisfactory conclusion to this consultation is not unnecessarily delayed.

If you have any questions or concerns, please contact Staff Archaeologist Jennifer Darcangelo at (916)654-4614 or at jdarc@ohp.parks.ca.gov .

Sincerely,

Dr. Knox Mellon
State Historic Preservation Officer

CONFIRMED:

David A. Nicol, Acting Administrator Date
California Division, Federal Highway Administration

Appendix H U.S. Fish and Wildlife Service, Species List

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

In Reply Refer To: 2003-857

October 28, 2002

Wendy Philpot
California Department of Transportation
500 South Main Street
Bishop, California 93514-3423

Subject: Species List for the Widening of Highway 395 near Little Lake, Inyo County, California (PM 0.0 to PM 11.8)

Dear Ms. Philpot:

This letter is in response to your request of December 10, 2001 for a list of threatened and endangered species under our jurisdiction which may be present within or adjacent to the proposed Highway 395 widening project between post miles 0.0 and 11.8 near Little Lake, Inyo County, California. The federally endangered southwestern willow flycatcher (*Empidonax traillii extimus*), least Bell's vireo (*Vireo bellii pusillus*), and the federally threatened desert tortoise (*Gopherus agassizii*) may occur in this area.

This response fulfills the requirements of the U.S. Fish and Wildlife Service under section 7(c) of the Endangered Species Act of 1973, as amended (Act). The Federal Highway Administration (FHWA), as lead federal agency for the proposed action, has the responsibility to review its proposed activities and determine whether any listed species may be affected. If the proposed action requires the preparation of an environmental impact statement, the FHWA has the responsibility to prepare a biological assessment to make a determination of the effects of the action on the listed species. If the FHWA determines that a listed species is likely to be adversely affected, it should request, in writing through our office, formal consultation pursuant to section 7 of the Act. Informal consultation may be used to exchange information and resolve conflicts with respect to threatened or endangered species prior to a written request for formal consultation. During this review process, the FHWA may engage in planning efforts but may not make any irreversible commitment of resources. Such a commitment could constitute a violation of section 7(d) of the Act.

Only listed species receive protection under the Act. However, other sensitive species should be considered in the planning process in the event they become listed or proposed for listing prior to project completion. We recommend that you review information in the California Department of

Fish and Game's (Department) Natural Diversity Data Base and that you contact the Department at (916) 324-3812 for information on other species of concern that may occur in this area.

If you have any questions, please call Tim Thomas of my staff at (760) 255-8890.

Sincerely,

Carl T. Benz
Assistant Field Supervisor
South Coast/Deserts

Appendix I Comments and Responses on the Initial Study

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit

Arnold
Schwarzenegger
Governor

Jan Boel
Acting Deputy
Director

April 5, 2004

Juergen Vespermann
Department of Transportation, District 6
2015 E. Shield Avenue, Suite 100
Fresno, CA 93726

Subject: Little Lake Rehabilitation Project, US Hwy 395
SCH#: 2004021078

Dear Juergen Vespermann:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on April 2, 2004, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
(916)445-0613 FAX(916)323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2004021078
Project Title Little Lake Rehabilitation Project, US Hwy 395
Lead Agency Caltrans #6

Type Neg Negative Declaration

Description The California Department of Transportation (Caltrans) proposes to rehabilitate and bring to current standards U.S. Highway 395 near Little Lake from the Kern County line approximately 13.8 Kilometers (8.6 miles) north in Inyo County. The work would include realigning a curve, reconstructing metal beam guardrail, widening shoulders to current standards, placing asphalt concrete overlay, adding shoulder backing, and modifying the existing drainage systems.

Lead Agency Contact

Name Juergen Vespermann
Agency Department of Transportation, District 6
Phone 559-243-8171 **Fax**
email
Address 2015 E. Shield Avenue, Suite 100
City Fresno **State** CA **Zip** 93726

Project Location

County Inyo
City
Region
Cross Streets
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways U.S. Hwy. 395
Airports
Railways
Waterways
Schools
Land Use State Highway, Nearly all land adjacent to U.S. Highway 395 is classified as open-space and is owned by the Bureau of Land Management.

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Drainage/Absorption; Flood Plain/Flooding; Noise; Toxic/Hazardous; Vegetation; Wetland/Riparian; Water Quality; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Conservation; Office of Historic Preservation; Department of Fish and Game, Region 6 (Inyo & Mono Region); Air Resources Board, Transportation Projects; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 9; Native American Heritage Commission; Regional Water Quality Control Bd., Region 6 (Victorville)

Date Received 02/17/2004 **Start of Review** 02/17/2004 **End of Review** 04/02/2004

Note: Blanks in data fields result from insufficient information provided by lead agency.